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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,042	03/26/2004	Hiroyuki Ichikawa	KASAP053	8435
22434	7590	12/27/2004	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			BURCH, MELODY M	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/810,042	ICHIKAWA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Melody M. Burch	3683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 26 March 2004.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1 and 2 is/are pending in the application.

    4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1 and 2 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All    b) ☐ Some \*    c) ☐ None of:

        1. ☒ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 3/26/04

4) ☐ Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: element 82 in figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to because the word "atmosphere" in figure 1 is misspelled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Marked-up Drawings" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

***Specification***

5. The disclosure is objected to because of the following informalities: the number "38" is used to designate both "the large diameter end portion" and the "primary fluid chamber" in paragraphs [0027] and [0029], respectively.

Appropriate correction is required.

***Claim Objections***

6. Claims 1 and 2 are objected to because of the following informalities: in lines 14 and 20 of claim 1 the hyphen should be removed from the term "pressure-receiving" to maintain consistency. Appropriate correction is required. Claim 2 is objected to due to its dependency from claim 1.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claim 1. The phrase "the idling vibration" in line 3 from the bottom of claim 1 lacks proper antecedent basis in the claim.

Re: claim 1. The phrase "to make the working air chamber an approximate atmospheric pressure" in line 2 from the bottom is indefinite. It is unclear to the Examiner what Applicant intends to recite.

Re: claim 2. The phrase "an elastic body" in line 5 and the phrase "a flexible layer" in line 8 are indefinite. It is unclear to the Examiner whether Applicant intends for the elastic body and the flexible layer of claim 2 to be the same or different from that recited in claim 1. And "the elastic member" in line 13 lacks proper antecedent basis.

Re: claim 2. The phrase "the aperture" in line 3 from the bottom of claim 2 lacks proper antecedent basis.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5839720 to Kojima.

Re: claim 1. Kojima shows in figure 1 a fluid filled engine mount 10 for an automotive vehicle comprising: a first mounting member 24,26 fixable to a power unit side of the vehicle, a second mounting member 16 fixable to a body side of the vehicle, and disposed spaced away from the first mounting member, an elastic body 22 for elastically connecting the first mounting member and the second mounting member, a pressure receiving chamber 32 filled with noncompressible fluid and partially defined by the elastic body so as to excite fluid pressure fluctuation upon input of vibration, an equilibrium chamber 34 filled with the noncompressible fluid and partially defined by a flexible layer 18 so as to permit chamber in volume, a first orifice passage 52 for connecting the equilibrium chamber to the pressure receiving chamber, and tuned so as to excite resonance of the fluid flowing therethrough between the pressure receiving and the equilibrium chambers in a vibration frequency range of a low frequency large amplitude such as engine shakes as disclosed in col. 6 lines 43-51, a partition rubber plate 104 partially defining the pressure receiving chamber, and tuned so as to perform absorption of the fluid pressure fluctuation of the pressure receiving chamber in a

vibration frequency range of a high frequency small amplitude such as booming noises during a vehicle running state as disclosed in col. 7 lines 39-50, an oscillating chamber 70 filled with the noncompressible fluid formed on an opposite side across from the partition rubber plate in relation to the pressure receiving chamber, a second orifice passage 46 for connecting the oscillating chamber to the pressure receiving chamber and tuned so as to excite resonance of the fluid flowing therethrough between the oscillating chamber and the pressure receiving chamber in a vibration frequency range of a medium frequency medium amplitude such as idling vibrations as disclosed in col. 6 line 54 – 64, an oscillating elastic plate 68 having an expansion spring smaller than that of the partition rubber plate as disclosed in col. 6 line 30-32 and partially defining the oscillating chamber, a working air chamber 74 formed on an opposite side across from the oscillating elastic plate in relation to the oscillating chamber, an air pressure passage 64B,80 connected to the working air chamber, and an air pressure control unit 60 for controlling the air pressure exerted to the working air chamber through the air pressure passage so as to exert air pressure fluctuation to the working air chamber with a frequency corresponding to the idling vibration during a vehicle idling state, and to make the working air chamber an approximate atmospheric pressure during the vehicle running state as disclosed in col. 7 lines 1-16, as best understood.

Kojima is silent as to the material of the oscillating elastic plate. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the oscillating elastic plate of Kojima to have been rubber since it has been held to be within the general skill of a worker in the art to select a known material

on the basis of its suitability for the intended use as a matter of obvious design choice.  
In re Leshin, 125 USPQ 416.

Re: claim 2. Kojima shows in figure 1 the limitation wherein the second mounting member is formed as a cylindrical body, the first mounting member is disposed spaced away from one of opposite opening of the second mounting member, the first mounting member and second mounting member are connected with an elastic body 22 so as to fluid-tightly close the one of the opposite openings of the second mounting member and to fluid-tightly close an other one of the opposite openings of the second mounting member with a flexible layer 18, the engine mount further comprising a first partition member 102 and a second partition member 30 mutually superimposed in the axial direction inside the second mounting member and securely supported with the second mounting member so as to form the pressure receiving chamber between the first partition member and the elastic member and to form the equilibrium chamber between the second partition member and the flexible layer, wherein a recess shown in the area of element 68 provided to a sumperimposing face side of the second partition member in relation to the first partition member is fluid-tightly closed with the elastic oscillating plate so as to form the working air chamber and to form the oscillating chamber between the elastic oscillating plate and the first partition member and the aperture shown surrounding element 102 provided to the first partition member for partitioning the oscillating chamber and the pressure receiving chamber is fluid-tightly blocked with the partition rubber plate.



**Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents: 6371462, 5911412, 5314173, and Japanese Patent JP-587178 teach the use of hydraulic mounts having similar structure to provide damping over a wide range of frequencies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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mmb

December 21, 2004

Melody M. Burch  
12/21/04